



18 OCT 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Michael I. Stewart  
SIM & McBURNEY  
330 University Avenue, 6th Floor  
Toronto, Ontario M5G 1R7  
Canada

In re Application of :  
TZOGANAKIS, Costas *et al* :  
Application No.: 09/762,765 :  
PCT No.: PCT/CA99/00731 :  
Int. Filing Date: 11 August 1999 :  
Priority Date: 14 August 1998 :  
Attorney's Docket No.: 1811-228 MIS:jb :  
For: MELT PHASE HYDROSILYLATION OF :  
PROPYLENE :

**DECISION ON  
REQUEST TO WITHDRAW  
HOLDING OF ABANDONMENT  
AND 37 CFR 1.182**

This decision is in response to applicants' "Petition to Withdraw Notification of Abandonment" filed on 17 July 2001.

**BACKGROUND**

On 01 March 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. A one-month time period for response was set with extensions of time available.

On 01 May 2001, applicants purportedly filed a transmittal letter, an executed declaration, and a one-month extension of time and authorization to charge any required fees to Deposit Account No. 03-3870.

On 28 May 2002, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to respond to Form PCT/DO/EO/905 within the time period set.

On 17 July 2002, applicants filed the instant petition which was accompanied by, *inter alia*, copies of the documents purportedly filed 01 May 2001.

On 05 September 2002, applicants submitted a check of \$1,240 in response to an email sent by Patricia A. Booker of the USPTO.

**DISCUSSION**

In the instant petition, applicants request that the PTO withdraw the holding of

abandonment because a signed declaration was submitted on 01 May 2001 in response to the Notification of Missing Requirements mailed 01 March 2001.

A review of the documents submitted with the instant petition (which are copies of the documents purportedly filed 01 May 2001), show that two forms, the "Transmittal Form" and "Fee Transmittal for FY 2001" were captioned with the wrong U.S. application number, *i.e.*, 09/792,765, not 09/762,765. (The letter accompanying the documents did list the correct U.S. application number.) A search of U.S. application number 09/792,765 has located the missing papers that were received on 01 May 2001. These papers have been removed and placed in the above-identified application.

Therefore, this petition is treated as a petition under 37 CFR 1.182 to correct applicants' error in captioning two of the documents with the wrong U.S. application number. The \$130.00 petition fee pursuant to 37 CFR 1.182 has been charged to Deposit Account No. 19-2253 as authorized. The petition fee of \$1,240.00 submitted on 05 September 2002 is not warranted in this situation and has been credited to Deposit Account No. 19-2253 as authorized.

### **DECISION**

The petition under 37 CFR 1.182 to correct the U.S. application number on the papers filed 01 May 2001 and to withdraw the holding of abandonment in the above-captioned application is hereby **GRANTED**.

Please use only U.S. application No. **09/762,765** for all future correspondence in the above-captioned application.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 11 August 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **01 May 2001**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



James Thomson  
Attorney Advisor  
PCT Legal Office

Tel.: (703) 308-6457